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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,773	05/21/2001	David M. Schnauffer	197/40	9000

7590

04/18/2003

Adams, Schwartz & Evans, P.A.
2180 Two First Union Center
Charlotte, NC 28282

EXAMINER

AMARANTIDES, JOHN

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,773

Applicant(s)

SCHNAUFER ET AL.

Examiner

John Amarantides

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



PTO Form 1449
LIST OF PATENTS AND
PUBLICATIONS FOR APPLICANT'S
INFORMATION DISCLOSURE STATEMENT

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Applicant: Schnauffer et al.
Serial No.: 09/862,773
Filing Date: May 21, 2001
Art Unit: 2875
Docket No: 197/40

Reference Designation Other Art - Non Patent Literature Documents

Exam. Initials	Cite No.	Include name of the author (IN CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.) date, page(s), volume-issue number(s), publisher, country where published, source.	*T
GA	CA	Pauluhn Light; Bruce Industries Inc.; Published prior to May 21, 2001.	

* English Translation is Attached

Examiner: John Amaratunga Date Considered: 4/10/03

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609;
Draw line through citation if not in conformance and not considered. Included copy of this form with next
communication to Applicant.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22, 23, 27, 29, 32 – 34, 38, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Industries, INC. (TM 10-5410-229-13&P) in view of Auld, Jr. et al. (US005449981A).

- a. In regard to claims 22, 23, 27, 29, 32 – 34, 38, 40 and 43, Bruce Industries, INC. discloses in the Figures on pages 5-9 and 5-10, the photograph and the drawings 1 and 2 an elongated lamp, tubular luminaire cover, tubular perforated metal screen, extrusion assembly, ballast, lamp-holders, end caps, power cord and on/off switch. Bruce Industries, INC. does not disclose an EMI filter. Auld, Jr. et al. in Figure 1, discloses an EMI filter and ballast adjacent to a fluorescent lamp. Nevertheless, it is old and well known that the ballast, EMI filter and other circuitry would be properly and safely attached in an appropriate containment housing. Bruce Industries is the owner for both the referenced non-patented and patented inventions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the EMI filter and ballast of Auld, Jr. et al. in place of the ballast of Bruce Industries, INC. in the proper containment housing of the work light in

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order to enhance safety and reliability when used in operational work environments requiring EMI shielding.

b. In regard to claim 33, the recitation of "a mobile shelter system to create a covered interior" is included in the preamble and is given no patentable weight.

3. Claims 24 – 26 and 35 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Industries, INC. (TM 10-5410-229-13&P) in view of Auld, Jr. et al. (US005449981A) as applied to claims 22, 23, 33 and 34 above, and further in view of Hesprich (US005564821A).

a. In regard to claims 24 – 26 and 35 – 37, Bruce Industries, INC. discloses cylindrical end caps, but does not disclose a shock absorbing plug positioned within the end of the bulb shield, shock absorbing plug positioned over the end of the bulb shield or a plug with an interior web. Hesprich in Figures 2, 3 and 8 discloses a socket (25) with a recess guide (28) forming a web (rib) that can be used to remove the socket (25). This rib (web) can also be applied to the shock-absorbing plug (31) inside the annular ring (33) shown in Figure 8. Nevertheless, it is old and well known that portable lighting devices are constructed with durable and flexible materials to insure safety of use and breakage concerns. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the shock-absorbing plug with interior webbing to fit within/or around the bulb shield of Hesprich in place of the end caps of Bruce Industries, INC. in order to enhance safety and reliability when used in operational work environments requiring EMI shielding.

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4. Claims 28 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Industries, INC. (TM 10-5410-229-13&P) in view of Auld, Jr. et al. (US005449981A) as applied to claims 22 and 33 above, and further in view of M. R. Barnes (US002233280).

a. In regard to claims 28 and 29, Bruce Industries, INC. does not disclose a removable colored filter over the bulb shield. Barnes in column 2, lines 1 – 5 discloses the use of colored glass or other suitable color-filtering material in a hinged tubular shape. Nevertheless it is old and well known that hand held lights require different illumination intensities and color for specific conditions and tasks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to install Barnes' removable colored filter on the light shield of Bruce Industries, INC. in order to enhance the versatility and use of the work light to perform tasks under different conditions by simply changing a filter. The removable color filters would also reduce the number of work lights needed to perform various tasks.

5. Claims 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Industries, INC. (TM 10-5410-229-13&P) in view of Auld, Jr. et al. (US005449981A) as applied to claims 22 and 33 above, and further in view of Davies (US005043530).

a. In regard to claims 30 and 41, Bruce Industries, INC. does not disclose a sheath over the power cable to reduce emissions generated by the work light. Davies in Figure 1 discloses a power cable with a silver-coated copper alloy braided shield (16) to reduce emissions. Nevertheless it is old and well known that there are many different types of electrical cables. The apparatus power and emissions requirements must be known to

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select the proper power cable. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use Davies' sheath power cord in-place of the power cord of Bruce Industries, INC. work light in order to enhance the emissions control of the work light.

6. Claims 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce Industries, INC. (TM 10-5410-229-13&P) in view of Auld, Jr. et al. (US005449981A) as applied to claims 22 and 33 above, and further in view of Crates (US004945461).

a. In regard to claims 31 and 42, Bruce Industries, INC. does not disclose a reflector adjacent to the bulb tube. Crates in Figure 3, discloses a reflector decal (24) on the internal side of the shield (20) with the elongated bulb being adjacent to the reflector. Nevertheless, it is old and well known that that reflective coatings/films can be applied to bulbs, housings and shields. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use Crates' reflector decal on the inside surface of the shield of Bruce Industries, INC. work light in order to enhance the light distribution of the work light.

Conclusion

7. The Applicant's Prior Art of Record (Bruce Industries, INC. (TM 10-5410-229-13&P)) that has been submitted by the Applicant and used in this office action is incomplete and primarily deals with repairs. The Applicant is advised to submit appropriate reference material associated with the design and parts of the portable light (TM 10-5410-229-13&P, or NSN 623001242016).


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Amarantides whose telephone number is 703-305-4013.

The examiner can normally be reached 8:00am-4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

JA 
April 16, 2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800